2 3 5 6 UNITED STATES DISTRICT COURT 7 DISTRICT OF NEVADA 8 UNITED STATES OF AMERICA, 9 Plaintiff, 10 v. 2:10-CR-244-PMP (RJJ) 11 EUCARIO MARTINEZ-BOTELLO, Defendant. 12 13 PRELIMINARY ORDER OF FORFEITURE 14 This Court finds that on September 10, 2010, defendant EUCARIO MARTINEZ-BOTELLO 15 pled guilty to a Two-Count Superseding Criminal Information charging him in Count One with 16 Possession with Intent to Distribute a Controlled Substance - Methamphetamine in violation of Title 17 21, United States Code, Section 841(a)(1) and (b)(1)(B)(viii) and in Count Two with Illegal Alien in 18 Possession of a Firearm in violation of Title 18, United States Code, Section 922(g)(5)(A). 19 20 the property set forth in the Forfeiture Allegations of the Superseding Criminal Information.

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This Court finds defendant EUCARIO MARTINEZ-BOTELLO agreed to the forfeiture of

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Forfeiture Allegations of the Superseding Criminal Information and the offenses to which defendant EUCARIO MARTINEZ-BOTELLO pled guilty.

The following assets are subject to forfeiture pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c); Title 21, United States Code, Section

1 853(a)(2); Title 21, United States Code, Section 881(a)(11) and Title 28, United States Code, Section 2 2461(c): 3 a) a Ruger, model Security-Six, .357 caliber, six-shot revolver with black 4 grips, bearing serial number 155-12881; and 5 any and all ammunition ("property"). b) 6 This Court finds the United States of America is now entitled to, and should, reduce the 7 aforementioned property to the possession of the United States of America. 8 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the 9 United States of America should seize the aforementioned property. 10 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of 11 EUCARIO MARTINEZ-BOTELLO in the aforementioned property is forfeited and is vested in the 12 United States of America and shall be safely held by the United States of America until further order 13 of the Court. 14 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America 15 shall publish for at least thirty (30) consecutive days on the official internet government forfeiture 16 website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited property, state 17 the time under the applicable statute when a petition contesting the forfeiture must be filed, and state 18 the name and contact information for the government attorney to be served with the petition, pursuant 19 to Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2). 20 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed 21 with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101. 22 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any, 23 shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the 24 following address at the time of filing: 25 26

DANIEL D. HOLLINGSWORTH
Assistant United States Attorney
MICHAEL HUMPHREYS
Assistant United States Attorney
Lloyd D. George United States Courthouse
333 Las Vegas Boulevard South, Suite 5000
Las Vegas, Nevada 89101.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency following publication of notice of seizure and intent to administratively forfeit the above-described assets.

DATED this \_ 14th day of September, 2010.

UNITED STATES DISTRICT JUDGE

1 PROOF OF SERVICE 2 I, Alexandra M. McWhorter, certify that the following individuals were served with copies 3 of the Preliminary Order of Forfeiture on September 13, 2010 by the below identified method of 4 service: 5 E-mail/ECF 6 Brenda Weksler Federal Public Defender 7 411 E. Bonneville Ave. Las Vegas, NV 89101 8 Email: ECF\_Vegas@FD.ORG Counsel for Eucario Martinez-Botello 9 10 James A. Oronoz 700 S. Third Street 11 Las Vegas, NV 89101 Email: jimoronoz@gmail.com 12 Counsel for Fernando Coronel-Zamora 13 /s/AlexandraMMcWhorter ALEXANDRA M. MCWHORTER 14 Forfeiture Support Associate Paralegal 15 16 17 18 19 20 21 22 23 24 25 26 4